UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,313	04/08/2004	Jeff Steven Edgett	4663P017	9716

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EXAMINER
CHAI, LONGBIT

ART UNIT	PAPER NUMBER
2131	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/821,313	EDGETT ET AL.
	Examiner	Art Unit	
	Longbit Chai	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 December 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-35</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>08 April 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>12/20/2006</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070124

DETAILED ACTION

1.   Currently pending claims are 1 – 35.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

12/20/2006 has been entered.

Response to Arguments

3.   Applicant's arguments, see Remarks, filed 12/20/2006, with respect to the double

patenting rejection have been fully considered in view of the Terminal Disclaimer filed

10/20/2006. The Terminal Disclaimer has been made in record and the double

patenting rejection has been withdrawn.

4.   Applicant's arguments with respect to the subject matter of the instant claims

have been fully considered but are not persuasive.

5.   As per claim 1, 30, 32 and 34, Applicant asserts Grootwassink does not teach (a)

the second service access service provider (b) selectively granting the client access

device access to the network based upon the client device configuration data, and (c)

receiving an indication about whether the client access device is granted access to the

network, the indication originating from the second service access provider. Examiner

disagrees with the following rationale listed respectively as follows.

(a) a HLR is qualified as a second service access provider while a VLR as a first

service access provider (Grootwassink: Column 2 Line 33 – 46).

(b) selectively granting the client access device access to the network based

upon the client device configuration data (Grootwassink: Column 5 Line 35 – 47,

Column 2 Line 63 – 67 / Line 48 – 62 and Column 5 Line 3 – 10: Examiner notes the

broadest and reasonable claim interpretations are made, according to MPEP 2111,

such that a registration information is interpreted as a part of the device configuration

data).

(c) receiving an indication about whether the client access device is granted

access to the network, the indication originating from the second service access

provider (Grootwassink: Column 2 Line 63 – 67: the indication originating from the HLR

(i.e. the second service access provider)).

6.   As per claim 16, Applicant asserts Grootwassink does not teach "a second

service access service provider to receive the authentication information and the

configuration data from the first service access service provider". Examiner disagrees

because a VLR (i.e. the first service access service provider) can query a HLR (i.e. the

second service access service provider) by passing the authentication information and

the configuration data associated with the client device to the HLR for validation

purpose (Grootwassink: Column 2 Line 63 – 67, Column 3 Line 2 – 4 and Column 5

Line 35 – 47: the grant indication originating from the HLR (i.e. the second service

access provider) and accessing the network via the VLR of the local network).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

7.   Claims 30 – 31 and 34 – 35 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter where "A computer

readable medium storing a set of instructions" as recited in the claim may be reasonably

interpreted as being not limited to computer readable storage media, for example, as

referred to in Specification (SPEC: Para [0076], Page 25 Line 5 – 7) as being intended

to include communication media that include <u>carrier ware signals</u> that 'bear" instructions

as claimed. Such embodiments of the "manufacture" claims 30 – 31 and 34 – 35 are

not computer elements which define structural and functional interrelationships between

the instructions and the rest of the computer that permit the functionality of the

instructions to be realized. Thus, for at least this reason, claims 30 – 31 and 34 – 35

are directed to a non-statutory subject matter as not being tangible and concrete and it

would not be eligible for patentability because it would be eligible for patentability if a

practical application was present that produced a useful, concrete and tangible result

upon execution of the instructions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that

forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1 – 3, 6, 9, 13, 14, 16 – 18, 21, 24, 28, 30, 32 and 34 are rejected under

35 U.S.C. 102(e) as being anticipated by Grootwassink (U.S. Patent 7,031,705).

As per claim 1 and 30, Grootwassink teaches a method comprising:

performing, in a service access provider, operations including:

receiving an access request from a client access device (Grootwassink: Column

5 Line 35 – 47), the access request requesting access to a network, wherein a user

associated with the client access device is a subscriber of a second service access

provider (Grootwassink: Column 2 Line 47 – 67: a HLR is qualified as a second service

access provider while a VLR as a first service access provider);

establishing a communications link with the client access device to authenticate

and authorize the user (Grootwassink: Column 2 Line 47 – 67);

receiving client device configuration data from the client access device over the

communications link during an authentication and authorization exchange (Column 5

Line 35 – 47, Column 2 Line 63 – 67 / Line 48 – 62 and Column 5 Line 3 – 10:

Examiner notes the broadest and reasonable claim interpretations are made, according

to MPEP 2111, such that a registration information is interpreted as a part of the device

configuration data);

transmitting the client device configuration data destined for the second service

access provider, wherein the second service access provider is operable to process the

client device configuration data (Grootwassink: Column 2 Line 47 – 67); and

selectively granting the client access device access to the network based upon

the client device configuration data (Grootwassink: Column 2 Line 43 – 54 / Line 63 –

67); and

receiving an indication about whether the client access device is granted access

to the network, the indication originating from the second service access provider

(Grootwassink: Column 2 Line 63 – 67 and Column 3 Line 2 – 4: the grant indication

originating from the HLR (i.e. the second service access provider) and accessing the

network via the VLR of the local network).

As per claim 16, Grootwassink teaches a system to verify configuration data of a

client access device requesting access to a network, the system comprising:

a first service access provider (Grootwassink: Column 2 Line 33 – 46: a VLR is

qualified as as a first service access provider), coupled to a network, to establish a

communications link to the client access device to receive, from the client access

device, authentication information for a user associated with the client access device

(Grootwassink: Column 5 Line 35 – 47 and Column 2 Line 63 – 67) and to receive the

configuration data from the client access device over the communications link during an

authentication and authorization exchange (Grootwassink: Column 5 Line 35 – 47,

Column 2 Line 63 – 67 / Line 48 – 62 and Column 5 Line 3 – 10: Examiner notes the

broadest and reasonable claim interpretations are made, according to MPEP 2111,

such that a registration information is interpreted as a part of the device configuration

data); and

a second service access provider to receive the authentication information and

the configuration data from the first service access provider, to process the

configuration data, and to selectively grant the client access device access to the

network based upon the configuration data (Grootwassink: Column 2 Line 63 – 67 and

Column 3 Line 2 – 4: the grant indication originating from the HLR (i.e. the second

service access provider) and accessing the network via the VLR of the local network).

As per claim 32 and 34, Grootwassink teaches a method to manage access to a

network from a client access device, the method comprising:

requesting access to the network, the requesting involving a first service access

provider and a second service access provider (Grootwassink: Column 5 Line 35 – 47

and Column 2 Line 33 – 67: a HLR is qualified as a second service access provider

while a VLR as a first service access provider);

authenticating a user associated with the client access device in an

authentication and authorization exchange, wherein the user is a subscriber of the

second service access provider (Grootwassink: Column 5 Line 35 – 47 and Column 2

Line 33 – 67: the user is a subscriber of the HLR);

communicating client device configuration data to the second service access

provider via the first service access provider (Grootwassink: Column 5 Line 35 – 47,

Column 2 Line 63 – 67 / Line 48 – 62 and Column 5 Line 3 – 10: Examiner notes the

broadest and reasonable claim interpretations are made, according to MPEP 2111,

such that a registration information is interpreted as a part of the device configuration

data);

receiving a verification response from the second service access provider via the

first service access provider (Grootwassink: Column 2 Line 63 – 67: the indication

originating from the HLR (i.e. the second service access provider)); and

if the user is authenticated and the verification response from the second service

access provider indicates acceptance of the client device configuration data, accessing

the network via the first service provider (Grootwassink: Column 2 Line 63 – 67 and

Column 3 Line 2 – 4: the grant indication originating from the HLR (i.e. the second

service access provider) and accessing the network via the VLR of the local network).

As per claim 2 and 17, Grootwassink teaches processing the client device

configuration data includes determining if the client device configuration data meets

predetermined security requirements (Grootwassink: Column 2 Line 63 – 67).

As per claim 3 and 18, Grootwassink teaches determining if the client device configuration data meets predetermined security requirements includes comparing the client device configuration data with reference configuration data (Grootwassink: Column 2 Line 63 – 67).

As per claim 6 and 21, Grootwassink teaches the establishing of the communications link with the client access device includes, communicating an agent to the client access device, the agent operable to identify the client device configuration data and to communicate the client device configuration data to a server of the network (Grootwassink: Column 2 Line 47 – 67 and Column 5 Line 6 – 10: the VLR communicates the client configuration data with the HLR).

As per claim 9 and 24, Grootwassink teaches the establishing of the communications link with the client access device includes communicating a command set, which includes at least one command, to the client access device, the command set operable to identify the client device configuration data and to communicate the client device configuration data to a server of the network (Grootwassink: Column 2 Line 47 – 67 and Column 5 Line 6 – 10: a command set, for example, is to find out the wireless unit's identification (or registration information)).

As per claim 13 and 28, Grootwassink teaches after establishing communications

with the client access device, authenticating a user associated with the client access

device (Grootwassink: Column 2 Line 47 – 67 and Column 5 Line 6 – 10).

As per claim 14, Grootwassink teaches authenticating the user includes verifying

user login information associated with the user attempting access to the network

(Grootwassink: Column 2 Line 20 – 25 and Column 5 Line 6 – 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 4, 5, 7, 8, 10 – 12, 15, 19, 20, 22, 23, 25 – 27, 29, 31, 33 and 35 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Grootwassink (U.S. Patent

7,031,705), in view of Albert et al. (U.S. Patent 2003/0177389).

As per claim 4 and 19, Grootwassink does not disclose expressly the second

service access provider is further operable to update the client device configuration

data if the client device configuration data fails to meet the predetermined security requirements.

Albert teaches the second service access provider is further operable to update the client device configuration data if the client device configuration data fails to meet the predetermined security requirements (Albert: Para [0066], [0025], [0072] and [0085] – [0098] & Figure 3: the corporate security policies that are predefined and assigned to the user are typically downloaded to the user's device from an integrity server).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Albert within the system of Grootwassink because (a) Grootwassink teaches providing a security validation for a roamer including personal communication service (PCS) units in a wireless network (Grootwassink : Column 1 Line 25 – 28 / Line 34 – 40 and Column 2 Line 6 – 10) and (b) Albert teaches providing enhanced authenticating method by using the security enforcement module that applies access security policy for regulating access at a client device including mobile computer users in a wireless network (Albert: Para [0008] Line 4 – 13 and Para [0024]).

As per claim 5 and 20, Grootwassink as modified teaches selectively granting the client access device access to the network includes, denying access to the network if the client device configuration data is not updated (Albert: [0066] & Figure 3: the last sentence).

As per claim 7 and 22, Grootwassink does not disclose expressly if after the processing of the client device configuration data the client device configuration data requires an update, using the agent to update the client access device with updated configuration data.

Albert teaches if after the processing of the client device configuration data the client device configuration data requires an update, using the agent to update the client. access device with updated configuration data (Albert: Para [0066], [0025], [0072] and [0085] – [0098] & Figure 3: the corporate security policies that are predefined and assigned to the user are typically downloaded to the user's device from an integrity. server).

Same rationale of combination applies herein as above in rejecting the claim 2.

As per claim 8 and 23, Grootwassink as modified teaches after updating the client access device, receiving an update result indicator from the agent to confirm that the configuration of the client access device has been updated (Albert: Para [0072]).

As per claim 10 and 25, Grootwassink does not disclose expressly if after the processing of the client device configuration data the client device configuration data requires an update, using the command set to update the client access device with updated configuration data.

Albert teaches if after the processing of the client device configuration data the client device configuration data requires an update, using the command set to update

the client access device with updated configuration data (Albert: Para [0066], [0025],

[0072] and [0085] – [0098] & Figure 3: the corporate security policies that are

predefined and assigned to the user are typically downloaded to the user's device from

an integrity server).

Same rationale of combination applies herein as above in rejecting the claim 2.

As per claim 11 and 27, Grootwassink as modified teaches the command set

further includes a first command set to identify and communicate the client device

configuration data to the server (Grootwassink: Column 2 Line 47 – 67 and Column 5

Line 6 – 10: a command set, for example, is to find out the wireless unit's identification

(or registration information)), and a second command set to update the client access

device with the updated configuration data ((Albert: Para [0066], [0025], [0072] and

[0085] – [0098] & Figure 3: the corporate security policies that are predefined and

assigned to the user are typically downloaded to the user's device from an integrity

server).

As per claim 12 and 26, Grootwassink as modified teaches after updating the

client access device, receiving an update result indicator from the client access device

to confirm that the configuration of the client access device has been updated (Albert:

Para [0096] – [0098] & Figure 3).

As per claim 15, 29 and 31, Grootwassink does not disclose expressly the client device configuration data includes at least one of virus definition data, firewall configuration data, and operating system configuration data.

Albert teaches the client device configuration data includes at least one of virus definition data, firewall configuration data, and operating system configuration data (Albert: Para [0090]: a message sent by the of client security module is a "firewall" event control related configuration data)

Same rationale of combination applies herein as above in rejecting the claim 2.

As per claim 33 and 35, Grootwassink does not disclose expressly prior to receiving a verification response, updated configuration data is received from the network access system to replace the client device configuration data.

Albert teaches prior to receiving a verification response, updated configuration data is received from the network access system to replace the client device configuration data (Albert: Para [0066] Para [0097] and [0098]: the integrity server updates and installs the security policies on the client device and may deny the client's access to the network if the required security policy or module is not subsequently activated by the client device).
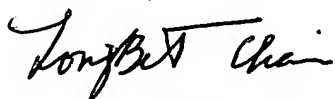
Same rationale of combination applies herein as above in rejecting the claim 2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner
Art Unit 2131
2/8/2007